**APPENDIX A — MEMORANDUM AND ORDER OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA DATED AND FILED MARCH 13, 2003**

**UNITED STATES DISTRICT COURT**
**EASTERN DISTRICT OF CALIFORNIA**

NO. CIV. S00 -1967 MCE PAN

WATERKEEPERS NORTHERN CALIFORNIA,
a non- profit corporation, doing business as DELTAKEEPER,
and BILL JENNINGS, an individual;

Plaintiffs,

v.

AG INDUSTRIAL MANUFACTURING, INC.,
a corporation; and CLAUDE E. BROWN, an individual;

Defendants.

**MEMORANDUM AND ORDER**

In this action for violation of the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq. (hereinafter referred to as the "Clear Water Act"), Plaintiffs alleged that Defendants AG Industrial Manufacturing, Inc. and its president, Claude E. Brown (collectively "AIM") have repeatedly discharged industrial pollution into the Mokelumne River and the San Joaquin River Delta since at least 1992. On December 3, 2002, this Court granted summary judgment in favor of AIM on grounds that Plaintiffs

failed to file adequate notice of their intent to sue AIM as required by the Clean Water Act at 33 U.S.C. § 1365(b)(1)(A) and 40 C.F.R. § 135.3(a). The Court determined that because of the inadequacy of Plaintiff's pre-suit notice, it was without jurisdiction to hear the case.

AIM now seeks to recover attorney's fees in the amount of $126,293.00 as well as costs incurred for reasonable expert witness fees in the total sum of $15,034.00.[1] In addition, AIM previously filed a Bill of Costs in the amount of $13,685.56 seeking recovery for additional expenses under Local Rule 54-292 and 28 U.S.C. § 1920. The Court rules on both these matters below.

## ANALYSIS

### A. AIM's Motion for Attorney's Fees and Expert Witness Costs

The Clean Water Act provides that the court can award costs of litigation, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party whenever it determines that such an award is appropriate. 33 U.S.C. § 1365(d).

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1. As requested by AIM, judicial notice it taken of all pleadings and files in the above-referenced action. The Court also takes judicial notice of the Northern District's Order Denying Motion to Dismiss in San Francisco BayKeeper v. Tosco Corp. No. C00-0256, pursuant to Federal Rule of Evidence 201(b). The Court declines to rule on AIM's evidentiary objections to the Declaration of Shana Lazerow because the matters at issue therein were not necessary to the Court's decision on this motion.

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Although it is beyond dispute that AIM prevailed in this case by obtaining summary judgment, that fact alone is not determinative in awarding fees to AIM as a successful Clean Water Act defendant. Instead, such an award to a prevailing defendant is appropriate only where the plaintiff's action was "frivolous, unreasonable, or without foundation." *Razore v. Tulalip Tribes*, 66 F.3d 236, 240 (9th Cir. 1995) (holding that the frivolousness standard set forth by the Supreme Court in *Christiansburg Garment Co. v. Equal Employment Opportunity Commission*, 434 U.S. 412, 421-22 (1978), as the benchmark for awarding fees in a Title VII case, also governs fee requests by defendants under the Clean Water Act); *Morris-Smith v. Moulton Niguel Water District*, 44 F.Supp.2d 1084,1086 (C.D. Cal. 1999), *aff'd*, 234 F.3d 1277 (9th Cir. 2000) (also applying so-called *Christiansburg* standard in assessing fee award to prevailing defendant in Clean Water Act case).

Under the *Christiansburg* standard, the terms "frivolous," "unreasonable" and "without foundation" are essentially interchangeable. *Thomas v. Bible*, 983 F.2d 152, 154, n. 2 (9th Cir. 1993). A case is "frivolous" when it is "groundless . . . with little prospect of success." *United States v. Manchester Farming Partnership*, 315 F.3d 1176, 1183 (9th Cir. 2003) . "The plaintiff's action must be meritless in the sense that it is groundless or without foundation." *Hughes v. Rowe*, 449 U.S. 5, 14 (1980); *Christiansburg*, 434 U.S. at 421 (defining "meritless" as meaning "groundless or without foundation, rather than simply that the plaintiff has ultimately lost his case.")

The fact that this Court found Plaintiffs' pre-suit notice to be inadequate does not mean that the underlying suit was itself frivolous. Indeed, because this Court ruled only on the adequacy of such notice and did not reach the merits of Plaintiffs' claims, AIM cannot realistically contend that the Court found the action "groundless" as opposed to procedurally defective. Given the posture at which the case was decided, the Court declines to make any determination as to the substantive merits of Plaintiffs' claims, let alone a finding that Plaintiffs' entire case was groundless so as to justify an award of attorney's fees and expert witness costs against Plaintiffs under 33 U.S.C. § 1365(d). Therefore AIM's request for such fees is denied.

**B. AIM's Bill of Costs.**

In addition to claiming entitlement to attorney's fees and expert witness costs, AIM has also submitted a Bill of Costs totaling $13,685.56 for other allegedly recoverable items under Local Rule 54-292 and 28 U.S.C. § 1920. Certain of the items claimed, however, are not properly taxed. AIM argues entitlement to $3,466.00 for witness fees incurred in producing its expert, Steven Bond, for deposition. Expert witness fees, however, may be taxed only where the expert is appointed by the court; such fees are otherwise limited to $40 per diem as set forth in 28 U.S.C. § 1821. *Crawford Fitting Co. v. J. T. Gibbons, Inc.*, 482 U.S. 437, 442 (1987). Because no such appointment was made here, AIM's recovery for Mr. Bond's expenses is limited to the per diem and mileage fees enumerated in § 1821. AIM has not disputed Plaintiffs' estimate of those fees at $266.

Plaintiff's claimed costs for court reporter fees must also be reduced to $3,439.93 given the fact that $100 of the total amount claimed was for a full day appearance fee rather than a recoverable-transcript charge. "[C]osts incident to the depositions, namely the court reporter's "per diem" charge . . . must be disallowed because § 1920(2) does not provide for taxation of those items." *Viacao Aerea Sao Paulo, S.A. v. Int'l Lease Finance Corp.*, 119 F. R. D. 435, 439 (C.D. Cal. 1998).

In addition, while Plaintiffs seek recovery of $3,019.94 in copying charges, such expenses are recoverable only for copies "necessarily obtained for use in the case." 28 U.S.C. § 1920(4). Although the Court is well aware of the volume of paper generated by this case, AIM has not otherwise demonstrated that the charges claimed were indeed necessary. Furthermore, with respect to the $2,81.05 sought for "copies done in office", at a reasonable rate of $.08 per page, 35,638 copies would have been made. This figure appears excessive and mandates reduction. After exercising its discretion, the Court believes that only half of the total amount claimed by AIM for copying charges was reasonably necessary. AIM is accordingly entitled to $1,509.97 for such charges.

Although AIM is entitled to recover clerk's fees as a recoverable costs under both Local Rule 54-292 and 28 U.S.C. § 1920(1), no substantiation for the $200 in claimed costs in that regard has been provided. The Court is unaware of any clerk's fees payable by a defendant like AIM of that magnitude. Consequently the clerk's fees sought by AIM are disallowed.

With respect to the last major area of challenged costs,[2] AIM contends in the catch-all "other costs" category that various items of overhead, including unspecified mileage, postage, phone and facsimile charges, and charges for computerized legal research at Westlaw, are recoverable. These items are not authorized by 28 U.S.C. § 1920 and do not constitute taxable costs. Finally, while the "other costs" category also includes $820 for preparation of financial statements and an unspecified charge of $101.25 for DLR Legal Services, no showing has been made that either of those items are properly compensable. With specific reference to the claimed financial statement charges, time spent on research and analysis by both expert and non-expert witnesses in preparing exhibits is not recoverable. *Romero v. City of Pomona*, 883 F. 2d 1418, 1428 (9th Cir. 1998).

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2. The Court also rejects an additional argument asserted by Plaintiffs to the effect that the testimony of one Christopher D'Ovidio was not necessary and that the $187.75 transcript cost associated with Mr. D'Ovidio's deposition should be disallowed.

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## CONCLUSION

AIM's recoverable costs under Local Rule 54-292 and 28 U.S.C. § 1920 must be reduced from $13,687.56 to $5,215.90. AIM's Motion for Attorney's Fees and Expert Witness Costs is denied.

IT IS SO ORDERED.

DATED: MAR 13 2003

s/ Morrison C. England, Jr.
MORRISON C. ENGLAND, Jr.
UNITED STATES DISTRICT JUDGE

## APPENDIX B — NOTICE OF VIOLATIONS AND INTENT TO FILE SUIT DATED JUNE 28, 2000

**WaterKeepers**

June 28, 2000

**VIA CERTIFIED MAIL**

Claude E. Brown, President
AG Industrial Manufacturing, Inc.
110 S. Beckman Rd.
Lodi, CA 95240

AG Industrial Manufacturing, Inc.
c/o Marilyn H. Brown, Registered Agent
110 S. Beckman Rd.
Lodi, CA 95240

**Re: Notice of Violations and Intent to File Suit.**

Dear Ag Industrial Manufacturing, Inc.
and Mr. Claude E. Brown:

I am writing to you on behalf of DeltaKeeper and Bill Jennings, to give you notice that DeltaKeeper and Bill Jennings (hereinafter collectively "DeltaKeeper") intend to file a civil action against Ag Industrial Manufacturing, Inc. and Mr. Claude E. Brown ("you") 60 days after the date of this letter, for your violations of the Clean Water Act. DeltaKeeper is an organization dedicated to the protection and enhancement of the water quality, ecosystems and natural communities of the Sacramento-San Joaquin River Delta. DeltaKeeper is a project of WaterKeepers Northern California. Bill Jennings is both the director and a member of DeltaKeeper.

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## A. BACKGROUND

The Mokelumne River is tributary to the San Joaquin River and Sacramento-San Joaquin Delta. The water quality of the Mokelumne and San Joaquin Rivers and Delta is in serious decline. Most Central Valley waterways, including the Mokelumne and San Joaquin Rivers and Delta, have been formally designated as "impaired" water bodies pursuant to Section 303(d) of the federal Water Pollution Control Act ("Clean Water Act") by the State Water Resources Control Board ("State Board") and the United States Environmental Protection Agency. The entire Delta is designated pursuant to California's Bay Protection and Toxic Cleanup Program as a Toxic Hot Spot because of mercury and pesticides. The United States Geological Survey recently concluded in a national assessment of water quality that the San Joaquin River basin (including the Delta) is one of the most degraded and polluted basins in the entire country.

The California Department of Health Services has issued a Delta-wide fish consumption health advisory because of excessive mercury levels in fish tissue. Data recently collected by the San Francisco Estuary Institute demonstrate that fish commonly caught in the Mokelumne River and Delta contain elevated and unsafe concentrations of a number of contaminates. Last year, water samples collected from the lower Mokelumne by DeltaKeeper and sent to the University of California Davis Aquatic Toxicology Laboratory for bioassays and chemical analysis were found to be acutely toxic to aquatic life. Further, data gathered by CalFed, a coalition of 15 state and federal agencies committed to Delta restoration, has confirmed that the Delta and its tributaries are heavily polluted waterbodies.

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One significant cause of this decline in water quality is the unlawful discharge of storm water associated with industrial activities. With every rainfall event, an enormous quantity of polluted rainwater originating from industrial facilities pours into the Mokelumne River and subsequently flows into the San Joaquin River and Delta and ultimately into the San Francisco Bay. In the City of Lodi, completely untreated storm water flows through the storm drain system directly to the Mokelumne River and other tributaries to the Delta. The State of California's General Permit for industrial storm water discharges, established pursuant to the Clean Water Act, requires dischargers to address these issues. However, as of the date of this letter, more than seven years after this General Permit was issued, very few industrial facilities in the Lodi municipal area are in compliance with the General Permit.

DeltaKeeper has conducted extensive investigations and studies that document non-compliance with storm water regulations. Given the results of these investigations, DeltaKeeper believes that the time has come for all members of the community -- citizens, regulated dischargers, elected officials, public agencies, and scientists alike -- to work together to resolve this serious water quality problem.

DeltaKeeper's investigations have uncovered significant violations of storm water regulations at your facility. Consequently, you are hereby placed on formal notice from DeltaKeeper[1] that, after the expiration of sixty (60) days from

1. Both DeltaKeeper through its parent organization WaterKeepers Northern California and Bill Jennings provide this NOTICE OF VIOLATION AND INTENT TO SUE and intend to sue you for your violations.

the date of this Notice of Violation and Intent To Sue, DeltaKeeper intends to file suit in Federal Court against you under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), for violations of the Act. These violations are described more fully below.

## B. THE LOCATION OF THE ALLEGED VIOLATIONS

The violations alleged in this notice letter have occurred and continue to occur at the agricultural machinery and equipment manufacturing facility owned and/or operated by you and located at 110 South Beckman Road, Lodi, San Joaquin County, California 95240 (hereinafter, the "Facility"). The Facility discharges its contaminated storm water and makes non-storm water discharges to the city storm sewer system, which leads to the Mokelumne River and ultimately to the Delta.

## C. THE ACTIVITIES AT THE FACILITY ALLEGED TO CONSTITUTE VIOLATIONS

You are discharging storm water contaminated with pollutants as well as storm water associated with industrial activities from the Facility to waters of the United States. In addition, you are discharging non-storm water pollutants. DeltaKeeper believes you have discharged and continue to discharge numerous industrial pollutants associated with the Facility's operations. These pollutants include, but are not limited to, petroleum fuels; oil and grease; metals such as lead, iron, zinc, aluminum, arsenic, cadmium, and chromium; solvents and other compounds such as benzene and toluene; as well as other pollutants that cause excursions from water quality standards for COD, BOD, TSS, and pH.

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The industrial activities at the site include the manufacture and repair of machinery, the storage, maintenance, and cleaning of the equipment used to make the machinery, and the handling, processing, and storage of various materials used in the manufacturing process including scrap metal and old machinery parts. Numerous activities at the site take place outside and are exposed to rainfall. These activities include: the grinding, cutting, welding, machining and painting of metal; the storage of raw materials, manufactured and repaired products, and equipment used in the manufacture and repair processes; the storage and use of vehicles and equipment for materials handling; and the storage, handling, and disposal of waste materials. The Facility's activities generate soot, metal shavings, filings, fines, and spills of chemicals such as oil, grease and solvents. Materials stored at the Facility are commonly stored in open and deteriorated containers. The Facility property is covered by debris, scrap, rusting metal objects, trash, machinery in various states of disrepair, used, oily and rusting equipment and machinery parts, tanks, open drums and barrels, old tires, and wood pallets. There are visible stains from spilled or leaked oil and grease or other chemicals on the pavement throughout the Facility. In addition, many of the surfaces around the facility are covered in metal shavings, filings, fines, and black soot that are the result of cutting and welding.

Your management practices at the Facility are wholly inadequate to prevent the sources of contamination described above from causing the discharge of pollutants to waters of the United States. The Facility lacks essential structural controls such as grading, berming and roofing to prevent rainfall and storm water flows and wash water from coming

into contact with these and other sources of contaminants. The Facility lacks structural controls to prevent the discharge of contaminated water. The Facility lacks an adequate system, such as a filtration system, to treat contaminated water. Periodically you wash or hose down areas of the facility or dirty machinery and equipment. At these times contaminants present in the area are carried off by the wash water and flushed into the storm sewer system.

Additional activities, which are alleged to constitute violations, are described in the sections below.

## D. THE STANDARDS, LIMITATIONS, AND/OR ORDERS ALLEGED TO HAVE BEEN VIOLATED

### *1. Discharges in Violation of the Clean Water Act.*

You have violated the Clean Water Act[2] by discharging pollutants to waters of the United States from the Facility without a National Pollutant Discharge Elimination System ("NPDES") permit as required by the Act. The Clean Water Act provides that, absent a permit and subject to certain limitations, "the discharge of any pollutant by any person shall be unlawful." 33 U.S.C. §1311(a).

Although, as described above, you discharge storm water contaminated with pollutants storm water associated with industrial activity, wash water contaminated with pollutants from the Facility to waters of the United States, you have not obtained an NPDES permit for such discharges.

2. Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq.

In particular, you have not sought coverage under California's General Industrial Storm Water Permit (the "General Permit")[3] by filing a Notice of Intent to Comply with the General Permit (an "NOI"). Thus, you have violated the Act each time that you have discharged storm water or wash water contaminated with pollutants. DeltaKeeper believes that since you began operations at the Facility, you have discharged storm water containing pollutants and storm water associated with industrial activity from the Facility to waters of the United States during at least every rain event over 0.1 inches. Two tables of rain data for the Lodi region are attached hereto as Attachment A.[4] DeltaKeeper believes these tables reflect the rainfall at your facility since 1992. DeltaKeeper hereby puts you on notice that you have committed violations of the Act on each and every date which Attachment A indicates

3. The terms "General Industrial Storm Water Permit" and "General Permit" refer to National Pollutant Discharge Elimination System ("NPDES") General Permit No. CAS000001 issued pursuant to Section 402 of the Act, 33 U.S.C. §1342 by the State Water Resources Control Board and set forth in Water Quality Order No. 97-03-DWQ, as well as the previously applicable NPDES General Permit set forth in Water Quality Order No. 91-13-DWQ and subsequently amended by Water Quality, Order No. 92-12 and Water Quality Order No. 97-03.

4. The two tables provided as Attachment A reflect daily rain data from the two monitoring points closest to Lodi for which data is available. Table A1 (Stockton Fire Station) was compiled by the Western Regional Climate Center. The data in Table A1 is presented in hundredths of an inch. The information in Table A2 (Bear Creek Station) was downloaded from the California Department of Water Resources, Division of Flood Management web page by WaterKeepers Northern California on May 1, 2000. The data in Table A2 is presented in inches.

the rainfall at the Facility exceeded 0.1 inch after the Act became effective or operations commenced at the Facility, whichever date is later. In addition, whether or not such dates are shown on the rainfall data table, DeltaKeeper puts you on notice that you have committed violations of the Act on each and every date on which the rainfall at the Facility exceeded 0.1 inch after the Act became effective or operations commenced at the Facility, whichever date is later. In addition DeltaKeeper DeltaKeeper hereby puts you on notice that you have committed violations of the Act on each and every date on which the facility has discharged contaminated wash water.

DeltaKeeper believes the Facility has been in operation since at least 1979. Thus, unlawful discharges from the Facility have occurred on a continuous basis since operations commenced, or since the date the Act became effective, whichever is later. These unlawful discharges are ongoing. Each discharge from your facility constitutes a separate violation of the Act. You are subject to penalties for violations of the Act occurring within the past five (5) years.

***2. Failure to Obtain Permit Coverage***

A review of the records of the Central Valley Regional Water Quality Control Board indicates that you have not filed an NOI. The failure to file an NOI constitutes a violation of the Clean Water Act and the General Permit. You were required to have filed an NOI by no later than March 30, 1992. Therefore, you have been in daily and continuous violation of the requirement to obtain permit coverage for the Facility on each and every day since March 30, 1992 and

will continue to be in violation every day that you fail to submit an NOI for coverage under the General Permit. You are subject to penalties for violations of the Act occurring within the past five (5) years.

***3. Discharges in Violation of the General Permit***

Provision A (2) of the General Permit prohibits storm water discharges and authorized non-storm water discharges which cause or threaten to cause pollution, contamination, or nuisance. Provision C (1) of the General Permit prohibits storm water discharges to surface or groundwater that adversely impact human health or the environment. Provision C (2) prohibits storm water discharges and authorized non-storm water discharges which cause or contribute to an exceedance of any water quality standards contained in applicable State plans and the applicable Regional Water Quality Board Basin Plan.

As described above in sections C and D.1. and in Attachment A, DeltaKeeper believes that you have discharged and continue to discharge contaminated storm water during every rain event where rainfall exceeds 0.1 inch at the Facility. DeltaKeeper believes that each of these discharges has caused or has threatened to cause pollution, contamination, and nuisance. In addition, DeltaKeeper believes each of these discharges has adversely impacted human health and the environment. Finally, DeltaKeeper believes that each of these discharges has caused or contributed to the exceedance of water quality standards.

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DeltaKeeper believes these unlawful discharges from the Facility have occurred on a continuous basis since March 30, 1992, or the date operations at the Facility commenced, whichever is later. These unlawful discharges are ongoing. Each discharge from your Facility constitutes a separate violation of the General Permit and the Act. You are subject to penalties for violations of the General Permit and the Act within the past five (5) years:

***4. Failure to Comply with Terms of the General Permit***

The General Permit requires storm water dischargers to comply with its terms, including, *inter alia*, the development and implementation of a Storm Water Pollution Prevention Program ("SWPPP"), the development and implementation of a Monitoring and Reporting Program, the implementation of Best Available Technology Economically Achievable ("BAT") and Best Conventional Pollutant Control Technology ("BCT") and the elimination of non-storm water discharges. You have not complied with the terms of the General Permit. Among other things, you have not prepared and implemented an adequate SWPPP or an adequate Monitoring and Reporting Program for the Facility. Further, you have not implemented BAT/BCT.

**a. *Storm Water Pollution Prevention Plan***

Section A (1) and Provisions B (3) and E (2) of the General Permit require dischargers of storm water associated with industrial activity to develop and implement an adequate

SWPPP no later than October 1, 1992.[5] If industrial activities commenced at the facility after October 1, 1992 these provisions require that the operator develop and implement an adequate SWPPP when industrial activities begin.

The SWPPP must also include, among other elements: (1) a description of potential sources of pollutants to the storm water system; (2) a site map showing the storm water conveyance system and areas of actual and potential pollutant contact; (3) a description of storm water management practices and preventive maintenance; (4) a summary of storm water sampling points; (5) a description of management practices that achieve BAT/ BCT.

Information available to DeltaKeeper indicates that you have not developed and implemented an adequate SWPPP for the Facility. You were required to have prepared and implemented an adequate SWPPP by no later than October 1, 1992 (or prior to operation if the Facility began operation after October 1, 1992). Therefore, you have been in daily and continuous violation of the requirement to develop and implement an adequate SWPPP for the Facility on each and every day since October 1, 1992 and will continue to be in violation every day that you fail to develop and implement an adequate SWPPP. You are subject to penalties for violations of the General Permit and the Act occurring within the past five (5) years.

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5. These Sections also require dischargers covered by the General Permit that submitted an NOI pursuant to Order No. 91-0113-DWQ (as amended by Order No. 92-12) to continue to implement their existing SWPPPs and to implement any necessary revisions to their SWPPP in a timely manner, but in no case later than August 1, 1997.

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**b. *Monitoring and Reporting Program***

Provisions E (3) and (6) and Section B (1) of the General Permit require dischargers of storm water associated with industrial activity to develop and implement an adequate written Monitoring and Reporting Program no later than October 1, 1992.[6] If industrial activities commenced at the facility after October 1, 1992 these provisions require that the operator develop and implement an adequate written Monitoring and Reporting Program when industrial activities begin.

Sections B (3) and (4), and Section A (9) require dischargers to conduct site inspections to identify all areas contributing to storm water discharges, to evaluate the effectiveness of Best Management Practices (BMPs) in reducing pollutant loading, and to evaluate whether pollution control measures set out in the SWPPP are adequately and properly implemented. Sections C (9) and (10) require dischargers to certify, based on the annual site inspection, that the permitted facility is in compliance with the General Permit and to report any noncompliance with its terms.

Sections B (3) and B (4) further require dischargers to conduct observations to identify sources of non-storm water pollution and to identify all storm water discharge locations

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6. These sections also require dischargers covered by the General Permit that submitted an NOI pursuant to Order No. 91-0113-DWQ (as amended by Order No. 92-12) to continue to implement their existing monitoring program and to implement any necessary revisions to their monitoring program in a timely manner, but in no case later than August 1, 1997.

that produce a significant storm water discharge. Section B (5)(c)(i) requires dischargers to sample and analyze storm water during the wet season for total suspended solids ("TSS"), pH, specific conductance, and total organic carbon ("TOC") or oil and grease. Section B (5)(c)(ii) requires sampling for toxic chemicals and other pollutants that are likely to be present in the storm water discharges. Section B (5)(a) requires dischargers to collect samples from all locations where storm water is discharged.

Information currently available to DeltaKeeper indicates that you have not developed or implemented an adequate Monitoring and Reporting Program for the Facility. You were required to have prepared and implemented an adequate Monitoring and Reporting Program by no later than October 1, 1992 (or prior to operation if the Facility began operation after October 1, 1992). Therefore, you have been in daily and continuous violation of the monitoring and reporting requirements for the Facility every day since October 1, 1992 and will continue to be in violation every day that you fail to develop and implement an adequate Monitoring and Reporting Program. You remain subject to penalties for violations of the General Permit Act occurring within the past five (5) years.

**c. *Annual Reports and Reports of Violations***

Provision E (6) and Sections A (9), B (14), C (9), (10) and (11) of the General Permit require dischargers of storm water associated with industrial activity to submit an Annual Report by July 1 of each year to the executive officer of the relevant Regional Water Board. The Annual Report must

include a summary of visual observations and sampling results, an evaluation of the visual observation and sampling analysis results, laboratory reports, a report of any non-compliance, the Annual Comprehensive Site Compliance Evaluation Report, an explanation of why a facility did not implement any activities required by the General Permit, visual observation and sample collection exception records, the method detection limit of each analytical parameter, and the signature and certification of an appropriate individual. The first Annual Report was due July 1, 1993. If industrial activities commenced at the Facility after July 1, 1993 an annual Report was due on the July 1 following the commencement of operations at the facility.

In addition, Section C (11) requires dischargers to report to the relevant Regional Board and other agencies any planned changes to the facility in advance of such changes, as well as any anticipated non-compliance with the General permit at the facility in advance of such noncompliance.

Information currently available to DeltaKeeper indicates that you have not submitted the required Annual Reports. You were required to have submitted an Annual Report for each year on July 1 of every year since 1993, inclusive. Therefore, you have been in daily and continuous violation of the Annual Report requirement for the Facility on each and every day you failed to submit a required Annual Report (i.e., since July 1, 1993) and will continue to be in violation every day that you fail to submit all of the required Annual Reports. You are subject to penalties for violations of the General Permit and the Act occurring within the past five (5) years.

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**c. *Implementation of BAT/BCT***

Provision B (3) of the General Permit requires dischargers covered by the General Permit to reduce or prevent pollutants associated with industrial activity in storm water discharges and in authorized non-storm water discharges through implementation of Best Available Technology Economically Achievable ("BAT") and Best Conventional Pollutant Control Technology ("BCT").

As described above in section C of this Notice Letter, you have not implemented BAT/BCT to prevent or reduce pollutants associated with industrial activity in storm water discharges and in authorized non-storm water discharges at the Facility. Moreover, you have failed to develop a SWPPP that includes BMPs that would achieve BAT and BCT when implemented. You were required to have achieved BAT/BCT by no later than October 1, 1992 (or prior to operation if the Facility began operation after October 1, 1992). Therefore, you have been in daily and continuous violation of the BAT/BCT requirements for the Facility every day since October 1, 1992 and will continue to be in violation every day that you fail to implement BAT/BCT. You are subject to penalties for violations of the General Permit and the Act occurring within the past five (5) years.

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**d. *Non-Storm Water Discharges***

Provision A (1) of the General Permit prohibits all non-storm water discharges other than those specifically set forth in Section D (1)(a) and meeting each of the conditions set forth in Section D (1)(b). Information available to DeltaKeeper indicates that you have failed to eliminate non-storm water discharges such as contaminated wash water from the Facility. You are subject to penalties for violations of the General Permit and the Act occurring within the past five (5) years.

In addition to the violations set forth above, this notice covers all violations of the Clean Water Act by you evidenced by information which becomes available to DeltaKeeper after the date of this Notice of Intent to Sue.

**E. PERSONS RESPONSIBLE FOR THE VIOLATIONS**

You are the person or persons responsible for the violations described above.

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## F. OUR NAMES AND ADDRESSES

Our names, addresses and telephone numbers are as follows:

DeltaKeeper
A Project of WaterKeepers Northern California
3536 Ranier Avenue
Stockton, CA 95204
(209) 464-5090

Bill Jennings
c/o DeltaKeeper
A Project of WaterKeepers Northern California
3536 Ranier Avenue
Stockton, CA 95204
(209) 464-5090

## G. OUR COUNSEL

DeltaKeeper has retained legal counsel to represent it in this matter. All communications should be addressed to:

Leo P. O'Brien
Legal Director
WaterKeepers Northern California
Presidio Building 1004
P.O. Box 29921
San Francisco, CA 94129-0921
(415) 561-2299

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## H. PENALTIES

Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Act subjects you to a penalty of up to $25,000 per day per violation for all violations occurring during the period commencing five years prior to the date upon which DeltaKeeper files its complaint in this action and ending January 30, 1997; and to a penalty of up to $27,500 per day per violation for all violations occurring after January 30, 1997. In addition to civil penalties, DeltaKeeper will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d), 33 U.S.C. §1365(a) and (d), and such other relief as permitted by law. Lastly, Section 505(d) of the Act, 33 U.S.C. § 1365(d), permits prevailing parties to recover costs and fees, including attorneys' fees.

DeltaKeeper believes this NOTICE OF INTENT TO SUE sufficiently states grounds for filing suit. We intend, at the close of the 60-day notice period or shortly thereafter, to file a citizen suit under Section 505(a) of the Act against you for the above-referenced violations.

During the 60-day notice period, we would be willing to discuss effective remedies for the violations noted in this letter. However, if you wish to pursue such discussions in the absence of litigation, we suggest that you initiate those discussions within the next 20 days so that they may be completed before the end Of the 60-day notice period. We do not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

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Sincerely,

s/ Bill Jennings (JT)
Bill Jennings
DeltaKeeper

[Service List intentionally omitted]

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--- DAILY PRECIPITATION ---
LOCATION : STOCKTON WSO STATION NUMBER : 048558
START YEAR : 1992 END YEAR : 2000
*** Note *** Provisional Data *** After Year/Month 199912
UNITS : HUNDREDTHS OF INCHES
TX-TempMax TN-TempMin TV-TempAve PR-Precip, DD-DegDys, SF-SnowFall, SD-SnowDepth, EV-Evap, WM-WindMov, WQ-WatEqu

M - Missing data, T - Trace , S - Value for this day included in the subsequent total
FORTRAN FORMAT : (I4, I2, A2, 31I4)
--> (YEAR, MONTH, ELEMENT, 31 DATA VALUES)

| YR MO | DAY OF THE MONTH | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 |
| 1992 1PR | 0 | 0 | 0 | 3 | 69 | 11 | 22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 34 | 0 | 0 | 0 |
| 1992 2PR | 10 | 0 | 0 | 0 | T | 33 | 9 | 0 | 26 | 45 | 80 | 80 | 3 | 119 | 27 | 64 | 0 | 3 | 14 | 23 | 1 | T | 0 | 0 | 0 | 0 | 8 | 0 | 0 | M | M |
| 1992 3PR | 6 | 6 | T | 0 | 71 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | 5 | 4 | T | 0 | 0 | 0 | 0 | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 1992 4PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 72 | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 1992 5PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 1992 6PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 8 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | T | 4 | 0 | M |
| 1992 7PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 1992 8PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 1992 9PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 199210PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | T | 40 | 4 | 0 |
| 199211PR | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | T | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 199212PR | 0 | 10 | 5 | 0 | 0 | 53 | 8 | 0 | 42 | 72 | 30 | 0 | 0 | 0 | 0 | 0 | 25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 71 | 33 | 0 | 0 |
| 1993 1PR | 61 | 0 | 0 | 0 | T | 68 | 41 | 7 | 11 | T | 0 | 63 | 39 | 8 | 12 | 0 | 81 | 7 | 7 | 56 | 27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1993 2PR | 0 | 0 | 0 | 0 | T | 0 | 14 | 111 | 1 | 6 | 22 | 0 | 0 | 0 | 0 | 8 | 3 | 84 | 32 | 11 | T | 7 | 28 | 0 | 8 | 50 | 0 | 0 | M | M | M |
| 1993 3PR | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 5 | 0 | 34 | 24 | 0 | 0 | 0 | 0 | 0 | 65 | 27 | 48 | 62 | 42 | 4 | 0 | 0 | 5 |
| 1993 4PR | 2 | 0 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 1993 5PR | 0 | 0 | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 23 | 16 | T | 0 | 0 | 0 | 0 | 41 |
| 1993 6PR | 0 | 0 | T | 23 | 1 | 18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 1993 7PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1993 8PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1993 9PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 199310PR | 0 | 0 | 0 | 2 | 9 | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | 0 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 199311PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 84 | 0 | 9 | 0 | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 39 | 68 | 1 | M |
| 199312PR | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 7 | 8 | 0 | 49 | 0 | T | 27 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 0 | 0 | M |
| 1994 1PR | 0 | 0 | 0 | 11 | 0 | 0 | 0 | 5 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | 59 | 59 | 6 | 0 | 0 | 0 | 0 | 0 | M |
| 1994 2PR | 0 | 0 | 0 | 0 | 0 | 38 | 100 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 1 | 35 | 17 | 45 | 1 | 30 | 0 | 0 | 0 | 10 | 0 | 0 | 0 | M | M | M |
| 1994 3PR | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 9 | 0 | 6 | 1 | 0 | 0 | 0 | 0 | 0 | M |
| 1994 4PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 38 | 4 | 52 | 0 | 0 | 0 | 0 | 0 | M |
| 1994 5PR | 0 | 0 | 0 | 0 | 0 | 25 | 38 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 36 | 69 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | T | 0 |
| 1994 6PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 1994 7PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1994 8PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1994 9PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 23 | 0 | 0 | M |
| 199410PR | 0 | 0 | 0 | 42 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 199411PR | 3 | 0 | 0 | 0 | 3 | 9 | 11 | 0 | 73 | T | 0 | 6 | 0 | 0 | 26 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 60 | 11 | 0 | 0 | 0 | 0 | 0 | M |
| 199412PR | 0 | 4 | 6 | 5 | 0 | 5 | 0 | 0 | 0 | 0 | 5 | 14 | 0 | 29 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | 0 | 0 | 0 | 7 | 0 | 0 | 0 | 0 |
| 1995 1PR | 7 | 9 | 59 | 65 | 2 | 11 | 5 | 21 | 99 | 71 | 2 | 28 | T | 44 | 22 | 6 | 0 | 0 | 0 | 3 | 7 | 15 | 12 | 65 | 15 | 51 | 62 | 0 | 0 | 2 | 0 |
| 1995 2PR | 0 | 2 | 0 | 0 | T | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | M | M | M |
| 1995 3PR | 4 | 5 | 12 | 7 | T | 0 | 0 | 20 | 24 | 114 | 74 | 0 | 35 | 7 | 0 | 0 | 0 | 13 | T | 51 | 19 | 87 | 18 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1995 4PR | 0 | 0 | 0 | 0 | 0 | 1 | 8 | 0 | 0 | 0 | 0 | 0 | 13 | 0 | 13 | 4 | 0 | 0 | 20 | T | 14 | 0 | 0 | 0 | 0 | 0 | 3 | 4 | 3 | 33 | M |
| 1995 5PR | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 0 | 0 | 15 | 12 | 0 | 19 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1995 6PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 1995 7PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1995 8PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1995 9PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 199510PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 199511PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 199512PR | 0 | 0 | 0 | 6 | 0 | T | 0 | 0 | 0 | 1 | 153 | 80 | 33 | 0 | 31 | 0 | 0 | 25 | 0 | 0 | 24 | T | 0 | 0 | 0 | 2 | 0 | 65 | 9 | 0 | 0 |
| 1996 1PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | 9 | 93 | 0 | 12 | 2 | 21 | 14 | 2 | 6 | 62 | 8 | T | 87 | 0 | 0 | 19 | 72 |
| 1996 2PR | 0 | 0 | 7 | 157 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 23 | T | 0 | T | 95 | 34 | 39 | 2 | 0 | 24 | 0 | 0 | 14 | T | 3 | M | M |
| 1996 3PR | 0 | 0 | 13 | 53 | 11 | 0 | 0 | 0 | 0 | 0 | 2 | 8 | 115 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 5 | 0 | 0 | 0 |
| 1996 4PR | 67 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 12 | 28 | 2 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 1996 5PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 76 | 63 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1996 6PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 9 | 0 | 0 | 0 | 0 | M |
| 1996 7PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1996 8PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1996 9PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 199610PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 77 | 27 | 0 | M |
| 199611PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 58 | 115 | 2 | 12 | 1 | 47 | 13 | 0 | 0 | 0 | 4 | 0 | 0 | 0 | M | 1 |
| 199612PR | 12 | 0 | 0 | 12 | 32 | T | 0 | 0 | 28 | 86 | T | 21 | 3 | 0 | 0 | T | 0 | 0 | 0 | 0 | 192 | 16 | 0 | 0 | 23 | T | 1 | 11 | 14 | 1 | 0 |
| 1997 1PR | 80 | 30 | 1 | T | 3 | 0 | 0 | 0 | 0 | T | 0 | 19 | 0 | 3 | 23 | 1 | 0 | 0 | 0 | 16 | 21 | 104 | 4 | 39 | 18 | 42 | 0 | 1 | 0 | 0 | M |
| 1997 2PR | 0 | 0 | 1 | 11 | 0 | 0 | T | 6 | 0 | 0 | 0 | 0 | 0 | 0 | T | 11 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | M | M | M |
| 1997 3PR | 0 | 4 | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | 0 | 0 | 0 | 0 | 8 | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 1997 4PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | T | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 1997 5PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 23 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 1997 6PR | 0 | 0 | 16 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 1997 7PR | 0 | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1997 8PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | T | 2 | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | 0 | 0 | 0 |
| 1997 9PR | 0 | T | 0 | 0 | 0 | 0 | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | 0 | 0 | M |
| 199710PR | 0 | T | 0 | 0 | 0 | 0 | T | 0 | 1 | 19 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | 0 | 0 | M |
| 199711PR | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | 0 | 63 | 38 | 0 | 54 | 0 | 30 | 1 | 0 | 9 | 8 | 0 | T | 0 | 2 | 6 | 41 | 57 | 2 | 0 | 1 | 64 | M |
| 199712PR | 0 | T | 2 | T | 41 | 11 | 57 | 5 | 0 | 0 | 0 | 0 | 0 | 78 | 0 | 0 | 0 | T | 0 | 0 | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1998 1PR | 0 | 34 | T | 49 | 0 | 15 | 0 | T | 45 | 19 | 14 | 83 | 4 | 64 | 37 | 4 | 0 | 65 | 12 | 0 | 0 | 0 | T | 0 | 0 | 3 | 0 | 0 | 72 | 0 | 19 |
| 1998 2PR | 29 | 85 | 146 | 9 | 47 | 43 | 43 | 18 | 0 | 20 | 3 | 54 | 1 | 87 | 0 | 53 | T | T | 92 | 0 | 55 | 3 | 33 | 0 | 1 | T | 0 | 0 | M | M | M |
| 1998 3PR | 0 | T | 0 | 0 | 17 | 1 | 8 | 2 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 5 | 2 | 19 | 39 | 35 | 0 | 2 | T | 0 | 0 | 64 |
| 1998 4PR | T | 5 | 39 | 2 | 0 | 15 | 1 | T | 0 | 0 | 23 | 4 | 37 | 36 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 30 | 0 | 0 | 0 | 0 | T | 0 | 0 | M |
| 1998 5PR | T | 98 | 35 | 15 | 6 | 16 | 0 | 0 | 0 | 0 | 10 | 102 | 14 | 0 | 0 | 0 | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | T | 2 | 1 | 72 | 2 | 0 | 0 |
| 1998 6PR | 0 | 0 | 0 | 0 | 0 | 0 | 8 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 1998 7PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1998 8PR | 0 | 0 | 0 | 0 | T | 0 | 0 | 0 | T | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | 0 | 0 | 0 |
| 1998 9PR | 0 | T | 0 | 0 | T | 0 | 0 | 0 | T | T | 0 | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | 0 | 0 | M |
| 199810PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | 102 | 0 | T | 0 | 0 | 0 | T | M |
| 199811PR | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 37 | 9 | 0 | 16 | 2 | 0 | 0 | 0 | 0 | 10 | T | 0 | 0 | 0 | T | 9 | 24 | 0 | 0 | 49 | 9 | 21 | 43 | 0 |
| 199812PR | 0 | 0 | 15 | 0 | 11 | 0 | T | T | 1 | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | T | T | T |
| 1999 1PR | 0 | 0 | 0 | 0 | 0 | 0 | T | T | T | T | 0 | 0 | 0 | 1 | 56 | 1 | 0 | 72 | 68 | 7 | 1 | T | 21 | T | 3 | 10 | 0 | 0 | 0 | 46 | M |
| 1999 2PR | 0 | 0 | 0 | 0 | 0 | 22 | 59 | 15 | 61 | 0 | 0 | 0 | 0 | 5 | 0 | 17 | 15 | 10 | 0 | 63 | 9 | 0 | 0 | 3 | 2 | 0 | 0 | 0 | 0 | M | M |
| 1999 3PR | 0 | T | 5 | 0 | 0 | 0 | 0 | 0 | 6 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 3 | 0 | 2 | 7 | 7 | 18 | 0 | 0 | 0 | 9 | 9 | 8 |
| 1999 4PR | 0 | 0 | 5 | 0 | 56 | 0 | T | 31 | 0 | 12 | 9 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 1999 5PR | 0 | 5 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 1999 6PR | 0 | T | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M |
| 1999 7PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1999 8PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 1999 9PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 8 | 0 | 0 | 0 | 0 | 8 | 0 | 0 | M |
| 199910PR | 0 | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | T | 0 | 0 | 0 | 0 | 0 |
| 199911PR | 0 | 0 | 0 | 0 | 0 | 0 | 42 | 11 | 0 | 0 | 0 | 0 | 0 | T | 1 | 36 | 0 | 0 | 60 | T | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 18 | 0 | M |
| 199912PR | 0 | 2 | 0 | 0 | 0 | 0 | 0 | T | 28 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 2000 1PR | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 47 | 1 | 0 | 0 | 10 | 8 | 14 | 52 | 2 | 5 | 0 | 0 | 84 | 125 | 12 | 0 | 0 | 0 | 0 | 17 | M |
| 2000 2PR | 0 | 1 | 19 | 1 | 1 | 1 | 0 | 1 | 2 | 28 | 4 | 11 | 99 | 3 | 0 | 41 | 0 | 0 | 0 | 55 | 0 | 57 | 67 | 0 | 1 | 0 | 39 | 0 | 33 | M | M |
| 2000 3PR | 0 | 7 | 0 | 0 | 26 | 1 | 24 | 6 | 15 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | M | M | M | M | M |

BEST AVAILABLE COPY

*Appendix B*

DAILY RAIN DATA FOR BCR (BEAR CREEK NEAR LODI) STATION (SENSOR #45), DOWNLOADED FROM CALIFORNIA DEP'T OF WATER RESOURCES DATABASE 5/1/00. DATA IS IN INCHES; M=MISSING DATA.

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Jan-92 | m | m | 0 | 0 | 0.74 | 0.12 | 0.16 | 0 | 0 | m | m | 0 | 0 | 0 | m | m | m | 0 | m | m | m | 0 | 0 | 0 | 0.25 | m | m | 0.41 | m | m | 0 |
| Feb-92 | m | m | 0 | 0 | 0 | 0.36 | 0.08 | 0 | 0.19 | 0.71 | 0.79 | 1.3 | 0.12 | 1.22 | 0.39 | 0.47 | m | m | 0.32 | m | m | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Mar-92 | m | m | m | 0 | 1.1 | 0.08 | 0 | 0 | m | m | 0 | 0 | 0 | 0.24 | 0.27 | 0.08 | m | m | m | 0 | 0 | 0.08 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | m |
| Apr-92 | m | m | m | m | 0 | 0 | 0 | 0 | 0 | m | m | m | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | m | m | m | 0 | 0 | m | m | m | 0 | |
| May-92 | 0 | m | m | m | m | 0 | 0 | m | m | 0 | 0 | m | m | m | 0 | 0 | 0 | 0 | 0 | 0 | m | m | 0 | m | m | m | 0 | m | 0 | 0 | m |
| Jun-92 | m | m | m | 0 | m | m | m | 0 | m | m | m | 0 | 0 | 0 | 0.04 | m | m | 0 | 0 | 0 | m | m | 0 | m | m | m | 0 | 0 | 0.12 | m | m | |
| Jul-92 | m | 0 | m | m | m | 0 | m | m | m | m | m | 0 | 0 | m | m | m | m | m | m | 0 | m | m | m | m | m | m | m | m | m | m | m |
| Aug-92 | m | m | m | m | m | m | m | m | m | m | m | m | m | 0 | m | m | m | m | m | m | 0 | m | m | 0 | m | m | m | 0 | 0 | m | m |
| Sep-92 | m | m | m | m | m | m | m | 0 | m | m | m | m | m | m | m | m | m | m | m | m | 0 | m | m | m | m | m | m | m | m | m | |
| Oct-92 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1.73 | 0.09 | 0 | 0 | 0 | 0 | 0 | 0.08 | 1.58 | 3.17 | 0.42 |
| Nov-92 | 0 | 0.52 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | |
| Dec-92 | 0 | 0 | 0.5 | 0 | 0 | 0.56 | 0.11 | m | 0.55 | m | 0.83 | 0 | 0 | 0 | 0 | 0 | 0.16 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1.03 | 0.16 | 0 | m |
| Jan-93 | 0.59 | 0 | 0 | 0 | 0 | m | 0.91 | 0.04 | 0.08 | 0.04 | m | m | 0.94 | 0.12 | 0.2 | 0 | 0.83 | 0.08 | 0.04 | 0.75 | 0.47 | 0 | 0 | 0 | m | 0 | 0 | 0 | 0 | 0 | 0 |
| Feb-93 | 0 | 0 | 0 | 0 | 0.11 | 0 | 0.16 | 1.5 | 0.04 | 0.08 | 0.08 | 0 | 0 | 0 | 0 | 0.03 | 0.16 | 0.79 | 0.43 | 0.08 | 0.08 | 0.08 | 0.57 | 0 | 0.04 | 0.55 | 0 | m | | | |
| Mar-93 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | m | 0 | m | 0 | 0 | 0.04 | m | 0.39 | 0.27 | 0 | 0 | 0 | 0 | 0 | 0.79 | 0.55 | 0.43 | 0.71 | 0.32 | 0.08 | 0 | 0 | 0.04 |
| Apr-93 | 0.04 | 0 | 0 | 0.08 | 0 | m | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | m | 0 | 0.18 | 0 | m | m | 0 | m | 0.04 | 0 | 0 | 0.04 | 0 | 0 | 0 | 0 | |
| May-93 | 0 | 0 | m | m | 0 | 0 | 0 | 0 | 0 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | 0.47 | 0.12 | 0 | m | m | 0 | 0 | 0.43 |
| Jun-93 | 0 | 0 | 0 | 0.12 | 0.08 | 0.27 | 0.04 | 0 | 0 | m | m | m | 0 | 0 | m | 0 | m | m | m | m | 0 | 0 | m | m | m | m | m | m | m | m | |
| Jul-93 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Aug-93 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | 0 | 0 | 0 | m | m | m | m | m | 0 |
| Sep-93 | 0 | 0 | 0 | 0 | m | m | m | m | m | m | 0 | m | m | m | m | m | m | m | m | m | m | m | m | m | 0 | 0 | m | m | m | m | |
| Oct-93 | m | m | m | m | 0 | 0 | 0 | 0 | 0 | 0 | 0.04 | 0 | 0.04 | 0 | 0.25 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nov-93 | m | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.79 | 0.04 | 0.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.67 | 0.75 | 0 | |
| Dec-93 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.04 | 0.24 | 0 | 0.4 | 0 | 0.04 | 0.39 | 0 | 0 | 0 | 0 | 0.04 | 0 | 0 | 0 | 0 | 0 | 0 | 0.08 | 0 | 0 | 0 | 0 | 0 |
| Jan-94 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Feb-94 | 0 | 0 | 0 | 0 | 0 | 0.63 | 0.71 | 0.12 | 0 | 0.28 | 0 | 0 | 0 | 0 | 0 | 0.16 | 1.06 | 0.08 | 0.59 | 0.16 | 0.12 | 0 | 0 | 0 | 0 | 0.04 | 0 | 0 | 0 | | |
| Mar-94 | 0 | 0 | 0 | 0 | 0.08 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.04 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Apr-94 | 0 | 0 | 0 | 0 | m | 0 | m | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.32 | 0.08 | 0.43 | 0 | 0 | 0 | 0 | 0 | |
| May-94 | 0 | 0 | 0 | 0 | 0 | 0.03 | 0.06 | 0.24 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.16 | 0.04 | 0.04 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Jun-94 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | m | m | m | m | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | m | 0 | m | m | m | m | 0 | |
| Jul-94 | m | m | m | m | 0 | m | m | 0 | m | m | 0 | 0 | m | m | 0 | m | m | 0 | 0 | 0 | 0 | m | m | m | m | m | m | m | 0 | 0 | 0 |
| Aug-94 | m | 0 | 0 | 0 | m | m | 0 | 0 | 0 | m | m | 0 | m | m | 0 | m | 0 | 0 | 0 | m | m | m | 0 | 0 | 0 | 0 | 0 | 0 | m | m | 0 |
| Sep-94 | m | m | m | m | m | m | 0 | m | m | m | 0 | 0 | m | m | 0 | m | m | m | m | 0 | m | m | 0 | m | m | m | m | 0.35 | 0 | m | |
| Oct-94 | m | 0 | m | m | 0 | 0 | 0 | m | m | 0 | m | m | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | m | m | 0 | 0 | m | m | 0 | 0 | m | m | 0 |
| Nov-94 | 0 | 0 | 0 | 0 | 0.16 | 0.12 | 0.08 | 0 | 0.59 | 0 | 0 | 0.04 | 0 | m | m | 0 | m | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.47 | 0 | 0 | m | 0 | 0 | |
| Dec-94 | 0 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | 0 | 0 | m | m | m | m | m | m | 0 | 0.04 | 0 | 0 | 0 |
| Jan-95 | m | m | m | 0.75 | 0.08 | 0.12 | 0.04 | 57.36 | m | 0.55 | 0.04 | 0.24 | 0 | 0.55 | 0.28 | 0.12 | 0 | 0 | 0 | 0.08 | 0.04 | 0.59 | 0.2 | 0.59 | 0.24 | 0.55 | 0.59 | 0 | m | m | m |
| Feb-95 | m | 0 | 0 | 0 | 0.04 | 0 | 0 | 0.2 | m | m | 0 | 0 | 0.31 | 0.08 | 0 | 0 | 2.91 | m | 0 | m | m | 0 | 0 | 0 | 0 | 0 | m | m | | | |
| Mar-95 | 2.95 | m | 0.2 | m | m | m | m | 0.38 | 0.59 | 0.67 | 0.51 | 0 | 0.24 | 0.04 | 0 | 0 | m | m | m | m | 0.24 | 0.91 | 0.43 | m | m | m | m | m | m | m | m |
| Apr-95 | m | m | m | m | m | m | 0.24 | 0 | 0 | m | m | m | 0.12 | 0 | 0.08 | m | m | m | m | 0.08 | m | m | m | m | m | m | 0.04 | 0.04 | 0.12 | 0.16 | |
| May-95 | 0.31 | m | m | m | m | m | m | m | m | m | 0 | 0 | 0.28 | 0.08 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Jun-95 | m | m | m | m | m | m | m | m | m | m | m | m | m | 0 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | |
| Jul-95 | m | m | m | 0 | 0 | 0 | 0 | 0 | m | m | m | m | m | m | m | m | m | m | m | m | m | 0 | m | m | m | m | m | m | m | m | m |
| Aug-95 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Sep-95 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | |
| Oct-95 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | 0 | 0 | m | m | m | 0 | 0 | 0 | 0 | m | m | 0 | 0 | 0 | 0 | 0 | 0 |
| Nov-95 | 0 | m | m | 0 | 0 | m | m | 0 | 0 | 0 | 0 | 0 | m | m | 0 | 0 | 0 | m | m | m | 0 | 0 | m | m | 0 | 0 | 0 | 0 | 0 | 0 | |
| Dec-95 | 0.1 | 0 | 0 | 0 | 0 | 0.04 | 0 | 0 | m | m | 1.77 | 0.51 | 0.67 | 0.04 | 0.31 | 0 | m | m | 0 | 0 | m | m | 0 | 0 | 0 | 0 | 0.04 | 0 | 0.87 | 0.08 | 0 |
| Jan-96 | 0 | 0 | 0 | 0 | m | m | 0 | 0.04 | 0 | 0 | 0 | 0 | 0 | 0 | 0.2 | 1.3 | 0 | 0.12 | 0 | m | 0.28 | 0.04 | 0.08 | 0.87 | 0.04 | 0 | 0.63 | m | m | m | 0.79 |
| Feb-96 | 0.1 | 0 | 0.04 | 0.94 | 0.2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | m | 10.75 | 0.12 | 0.04 | 0 | 0.04 | 1.02 | 0.35 | 0.43 | 0.04 | 0 | 0.16 | 0 | 0 | 0.12 | 0 | 0.08 | | |
| Mar-96 | 0 | 0 | 0.16 | 1.02 | 0.08 | 0 | 0 | 0 | 0 | 0 | 0.35 | 0.9 | 0 | m | m | 0 | 0 | 0 | 0 | m | m | 0 | 0 | 0 | 0 | 0 | m | 0.04 | 0 | 0 | 0 |
| Apr-96 | 0.59 | 0 | 0 | 0 | m | m | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.12 | 0.63 | 0 | 0.08 | 0.04 | 0 | 0 | 0 | 0 | m | m | 0 | 0 | m | m | |
| May-96 | 0 | 0 | m | m | 0 | 0 | 0 | 0 | 0 | 0 | m | m | 0 | 0 | 0.75 | 0.43 | 0 | 0 | m | m | 0.04 | 0 | m | m | m | m | 0 | 0 | m | m | 0 |
| Jun-96 | 0 | m | m | m | m | m | m | m | m | 0 | 0 | 0 | m | m | 0 | 0 | 0 | m | m | 0 | 0 | m | m | 0 | 0 | 1.14 | 0 | m | m | m | |
| Jul-96 | m | m | m | m | m | m | m | m | m | 0 | m | m | 0 | m | m | 0 | 0 | 0 | m | m | m | m | m | m | 0 | m | m | m | m | m | m |
| Aug-96 | m | m | 0 | m | m | 0 | 0 | 0 | m | m | m | m | 0 | m | m | m | m | 0 | 0 | 0 | 0 | m | m | 0 | 0 | 0 | m | m | 0 | 0 | |
| Sep-96 | 0 | 0 | 0 | 0 | m | m | 0 | m | m | m | m | 0 | 0 | m | m | 0 | 0 | 0 | m | m | 0 | 0 | 0 | 0 | m | m | 0 | m | m | m | |
| Oct-96 | m | m | 0 | 0 | 0 | 0 | m | m | 0 | 0 | 0 | m | m | 0 | m | m | 0 | 0 | 0 | 0 | m | m | 0 | 0 | 0 | 0 | 0 | 0 | 1.22 | 0.16 | 0 |
| Nov-96 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | m | m | 0 | 0 | 0 | 0 | 0.51 | 0.95 | 0.04 | 0.12 | 0 | 0.63 | 0.16 | 0.04 | 0 | m | m | 0 | 0.04 | 0 | 0 | |
| Dec-96 | 0.04 | 0 | 0 | 0.16 | 0.39 | 0.08 | 0 | 0 | 0.47 | 1.02 | 0 | 0.44 | 0.04 | 0.04 | -9999 | 0 | 0 | 0 | -9999 | 0 | 2.13 | 0.12 | 0 | 0 | 0 | 0.31 | 0.04 | 0 | 0.24 | 0.28 | 0.08 |

Table A2

*Appendix B*

DAILY RAIN DATA FOR BCR (BEAR CREEK NEAR LODI) STATION (SENSOR #45), DOWNLOADED FROM CALIFORNIA DEP'T OF WATER RESOURCES DATABASE 5/1/00. DATA IS IN INCHES; M=MISSING DATA.

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Jan-97 | 1.26 | 0.94 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0.24 | 0 | 0 | 0.16 | 0 | 0 | 0 | 0 | 0.24 | 0.24 | 1.42 | 0.2 | 0.31 | 0.2 | 0.67 | 0 | 0 | 0 | 0 | 0 |
| Feb-97 | 0 | 0 | 0 | m | m | 6.26 | 0.12 | 0.04 | 0 | 0 | 0 | 0 | m | 0 | 0 | 0 | m | 0 | 0 | 0 | 0 | 0 | m | m | m | 0 | 0 | m | | | |
| Mar-97 | 0 | m | m | m | m | m | m | 0 | 0 | m | m | 0 | 0 | m | m | m | 0.04 | 0 | m | m | m | 0 | 0 | 0 | 0 | 0 | m | m | m | m | 0 |
| Apr-97 | 0 | 0 | 0 | m | m | 0 | 0 | m | m | m | m | 0 | 0 | m | m | 0 | m | m | 0.04 | 0 | 0 | 0 | m | 0 | 0 | 0 | m | m | 0 | 0 | |
| May-97 | m | m | 0 | 0 | m | m | 0 | m | m | 0 | m | m | m | m | 0 | m | m | m | m | m | m | m | 0.28 | 0 | 0 | 0 | m | m | 0 | m | m |
| Jun-97 | m | m | m | 0.04 | 0 | m | m | 0 | m | m | 0 | 0 | 0 | 0 | 0 | 0 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | |
| Jul-97 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Aug-97 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Sep-97 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Oct-97 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Nov-97 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Dec-97 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Jan-98 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Feb-98 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Mar-98 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Apr-98 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| May-98 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Jun-98 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | |
| Jul-98 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Aug-98 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Sep-98 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | |
| Oct-98 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Nov-98 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | |
| Dec-98 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Jan-99 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Feb-99 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Mar-99 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Apr-99 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| May-99 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Jun-99 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Jul-99 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Aug-99 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Sep-99 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Oct-99 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m |
| Nov-99 | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | m | | | | | | | | | | | |
| Dec-99 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Jan-00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Feb-00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Mar-00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Apr-00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| May-00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Table A2 (continued)